

## **SUPPLEMENTAL ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jens Jenkins on 23 June 2004.

2. The application has been amended as follows:

- Claim 34 has been amended to read:

34. A computer program product stored on one or more computer-readable media for use in an information retrieval system including a server computer and a client system having a display device, wherein the client system has access to television programming viewed by a user of the information retrieval system, the computer program product comprising:

the one or more computer-readable media having computer-executable instructions for implementing the method recited in claim 44.

- Claim 53 has been amended to read:

53. A computer program product stored on one or more computer-readable media having computer-executable instructions for implementing the method recited in claim 49.

- Claim 58 has been amended to read:

58. A computer program product stored on one or more computer-readable media having computer-executable instructions for implementing the method recited in claim 54.

### *Response to Arguments*

3. Applicant's arguments, see Page 12, Lines 7-16, filed 06 May 2005, with respect to the combined references and in particular the Bedard reference failing to disclose updating the profile every time a television program is viewed have been fully considered and are persuasive. The rejection of claims 4, 5, 7, 8, 14, 15, 19, 33-42, 44, 46, 47, 49-62, and 66-71 has been withdrawn.

### *Allowable Subject Matter*

4. Claims 4, 5, 7, 8, 14, 15, 19, 33-42, 44, 46, 47, 49-62, and 66-71 are allowed.

The following is an examiner's statement of reasons for allowance:

The art of record fails to teach or suggest the claim taken as a whole and in particular the limitation pertaining to the "remote server accessing a profile . . . wherein the user profile is updated every time the client views a television program" and "includes information related to only a most recently viewed television program . . .".

With respect to the art of record directed towards these limitations, the examiner concurs with the applicant's assessment of the Bedard reference in that Bedard teaches away from

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updating of the profile every time a television program is viewed. Rather, the reference explicitly teaches that the viewer must watch a television program for an significant viewing period (eg. 1 minute, 5, minutes, 10 minutes, etc.) for the profile to be updated. Accordingly, the reference taken as a whole fails to teach the particular limitation wherein the profile is updated “every time the client views a television program”.

The Alexander et al. reference, of record, discloses a method for inserting advertisements and updating a viewer profile based upon the most recently viewed program (Col 33, Lines 26-65). However, the reference teaches away from the profile “including information related to only a most recently viewed program . . . “. Rather, the reference discloses recording a variety of information regarding a viewer’s viewing history associated with a plurality of programs over and above only the most recently viewed program (Col 28, Line 10 – Col 28, Line 67) in order to infer the user’s interests so as to select a targeted advertisement. Accordingly, while the reference teaches the missing limitation of the Bedard reference, the reference taken as a whole fails to teach or suggest the limitation that the profile “includes information related to only a most recently viewed program . . . “.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343.

The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB  
June 23, 2005

  
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